

IDLO Evaluation Brief

Evaluation of the Project “Enhancing the Capacity of the Legal Professional in Somalia for the Delivery of Justice”

November 2016

1. Introduction and Background

This Evaluation Brief presents the key findings of the final evaluation of “*Enhancing the Capacity of the Legal Professional in Somalia for the Delivery of Justice*” – a project financed by the US Department of State Bureau for International Narcotics and Law Enforcement (INL) and implemented by the International Development Law Organization (IDLO) from August 2014 to August 2015, with a budget of USD 850,000.

The project built on IDLO’s initiatives to strengthen the justice sector in Somalia and formed part of a broader, multi-stakeholder rule of law planning in the country, based on the Somalia “Justice Sector Action Plan 2013-2015”.

The intervention aimed at contributing to access to justice through the strengthening of the Somali Bar Association (SBA) and the overall enhancement of the effectiveness of the legal profession. This included strengthening knowledge and skills of selected lawyers on substantive law, procedural law, lawyering skills and the principles of gender justice and juvenile justice.

2. Evaluation Purpose and Methodology

The purpose of the evaluation was to: (i) independently assess the extent to which the expected project’s results were achieved; and (ii) identify lessons learned with a view to inform the design and implementation of similar interventions in future.

The evaluation was conducted using a “theory-based” approach, where the reconstruction of the project’s theory of change led to the establishment of a causal link between activities, outputs, outcomes and impacts. Expected and unexpected results were assessed based on evaluation questions looking at the relevance, efficiency, effectiveness, impact and sustainability of the project.

Data for the evaluation was collected through: (i) a desk study of relevant documents and monitoring data; (ii) key-informant interviews remotely conducted with project staff, SBA representatives, training beneficiaries, civil society organizations and development partners; and (iii) remote focus group discussions with trainees who participated in the substantive trainings.

3. Findings

Alignment with relevant strategies and responsiveness to the needs of beneficiaries

The support provided by IDLO was fully in line with the Somalia “Justice Sector Action Plan 2013-2015”, the IDLO’s Strategic Plan and the needs of beneficiaries. IDLO recognized the SBA’s key role in ensuring long-lasting judicial reform to support transition to a stronger rule of law in Somalia.

IDLO delivered capacity building to legal professionals at a time when there was no other institution providing this type of support in Somalia. The approach pioneered by IDLO attracted remarkable interest from key development partners, such as the UNDP and UN Women, and paved the road for further engagement on capacity building activities focused on the SBA.

IDLO forged good relationships with both the Judiciary and UN institutions. It received favorable assessments from its trainees in regard to the acquisition of new knowledge. The evaluation attests to IDLO’s agility, flexibility, hands-on approach and ability to adapt to a rapidly changing environment. IDLO

provided substantial value added through its country office team based in Nairobi and project team in Rome. IDLO proved capable of delivering practical/tailor-made solutions in line with international best practices in fragile country contexts and affirmed its ability to build partnerships with institutions acting on the ground.

Responsiveness to changing conditions

Despite not having an office in Mogadishu, IDLO managed to ensure effective implementation of the project from its Nairobi office. The organization effectively responded to unexpected changing security conditions, by ensuring flexibility towards beneficiaries' needs, a regular presence on the ground and ability to liaise at the required institutional level. INL reporting templates were used effectively to ensure clear understanding of, reaction to and mitigation of implementation risks, difficulties and challenges.

Allocation of resources and staff

IDLO managed to adequately allocate resources and use staff flexibly, even without a permanent presence in Mogadishu. However, project implementation could have benefitted from a tighter monitoring through the allocation of a dedicated M&E officer.

Direct training costs and SBA-related expenses, linked to the project core activities, represent less than a quarter of the overall expenditure. This indicates that

the logistics and other arrangements required for short/mid-term operational deployments to Mogadishu consumed a considerable amount of financial resources.

The recruitment of the SBA's administrative staff and the provision of equipment was generally efficient despite a few initial delays in the procurement process. The study tour to Nairobi and Washington DC, focused on exposing the SBA executive members to the level of professionalism employed outside Somalia, suffered some delays due to visa issuing challenges. Nevertheless, alternative arrangements were carried out successfully.

Judicial trainings and quality of the legal profession

Trainings were conducted in a professional manner and participants considered their content to be of high quality. There was an overall consensus among the trainees that the trainings were well organized, keeping the attendants engaged and interested. Trainees attested that their skills increased and that they felt confident in applying what they learnt in their subsequent work.

The view from external sources such as the Judiciary, academia and civil society was that the knowledge transfer was beneficial to the concerned legal professionals and the applicability of the trainings was overall considered to be high. However, most participants felt that they would still benefit from

additional training on the same topics to consolidate the expertise they developed.

The evaluation concluded that the project has a high likelihood of impacting positively on the overall level and quality of access to justice of vulnerable groups, as trainees gained greater awareness of the rights of women and children. However, several trainees had difficulties in keeping up with the pace of more technical presentations due to their limited English, despite the training manuals were practical in nature and often translated from English into Somali. Overall, the quality of the supporting materials was considered very high and suited to the training needs in the Somali context.

In terms of gender representation within the trainees, an average of 40% of women attended the three trainings. In the case of the "Principles of Women and Juvenile Justice" course, 44% of participants were women, representing 50% of female lawyers belonging to the SBA. The evaluation considers this a positive outcome, as several interviewees from academia and the legal profession confirmed that female Somali lawyers are in general less exposed to international law.

Somali Bar Association's Capacity

The necessary SBA's administrative staff was recruited and office space provided in a safe location. Basic equipment was procured despite many challenges due to inadequate supply of various goods and services in Somalia. Planned trainings were conducted effectively, in line with the developed curricula, adapted to changing security and political circumstances. The evaluation shows that professional standards and accountability of the legal profession were improved.

However, the SBA is not fully operational as yet as a self-regulating organization with an internal governing structure and financial independence. Further progress in this regard relies on the formal approval of the Advocates' Act.

Capacity of legal professionals to deliver justice

The capacity of legal professionals, especially in relation to professional conduct, was strengthened albeit in a limited scale, due to the relative small number of participants and the nascent nature of the SBA. Learning effects can be scattered and short-lived if they are not followed by subsequent trainings in the medium to long-term. At the same time, selecting the best and most experienced participants granted higher prospects for impact and

sustainability due to the good absorption capacity of these professionals.

The set of trainings was useful to sensitize the trainees on the importance of continued legal education and the need for setting-up related quality benchmarks. It can be expected that the trainees will retain the acquired knowledge, but for full-scale impact and sustainability, these efforts should be extended to more stakeholders in the Judiciary. In parallel, more capacity-building initiatives should be offered on the same and additional topics. An enabling regulatory framework facilitating those activities needs to be adopted. In this regard, it should be borne in mind that, at the time of the evaluation, the SBA's Code of Conduct, which shall govern the ethical principles of legal practitioners in Somalia, had not yet been formally approved.

SBA's ability to carry out its mandate and justice institutions' capacity to deliver justice

The SBA needs additional support to realize its potential and become a fully performing, reputed and accountable organization. It needs appropriate governing structures able to manage its ongoing transformation. In addition to financial resources, it requires a charismatic and committed leadership which can steer the organization through the changes that will potentially take place in the near future. The SBA

management is perceived externally as "smart", "engaged", "very articulate, knowledgeable" and "competent". However, it needs to better lobby with Government institutions and profit from emerging opportunities. As mentioned, the Advocate's Act had not yet been formally approved, constituting a challenge to the sustainability of achieved results.

4. Conclusions

1. Support provided by IDLO was in line with the country's main priorities, the national "Justice Sector Action Plan 2013 -2015" and it properly addressed beneficiaries' needs to enhance their knowledge, skills and professional conduct.
2. IDLO's hands-on approach, agility and adaptability to changing circumstances, the quality of the project team as well as the relationships it developed with leading members of the Judiciary and development partners, were a distinct comparative advantage in making this short-run stand-alone project successful.
3. IDLO's support was critical in setting the foundations for SBA's growth and development. Challenges and risks remain as the SBA is not yet fully capable of delivering on its mandate also because of pending endorsement/implementation of the Advocate's Act as well as the Code of Conduct.

The SBA will still need continued support, so that results achieved so far can consolidate and further materialize in concrete

benefits for legal practitioners, the Judiciary, civil society and marginalized and vulnerable groups. The momentum created by this project should not be lost.

4. The value-added and applicability of the trainings delivered was overall high. However, the trainees still feel under-trained as they became more aware of their fragilities.

Additional capacity development interventions could ensure that the SBA becomes an active force in the country's transformation towards the rule of law. Intervention of institutions such as IDLO are very much needed.

5. An average of 40% of women attended the three trainings, which is a promising number. However, there is scope for a qualitative increase of the knowledge of female legal professionals on human rights provisions other than Islamic Law.

6. Project progress was monitored on the basis of project reporting documents. However, the project had no dedicated M&E officer and as a result, there was a lack of systematic M&E processes in place, with clear roles and responsibilities assigned. There is room for improvement in terms of strengthening the project's results-based management.

5. Recommendations

Continue support for capacity building, to anchor the SBA in the country's judicial system

The SBA needs continued support in the creation of a self-governing structure and

instruments ensuring its independence from the political power. This is a pre-condition to become fully accepted and recognized by the country's Judiciary. A follow-up, multi-year program should be initiated, drawing on the work done and consolidating the achieved results, while expanding SBA's activities. The participatory and hands-on approach which has proved so far successful should be continued.

Enhance SBA's coordination with other justice actors

To further strengthen access to justice in Somalia, IDLO should encourage and support a closer bilateral relationship between the SBA and other justice actors such as *inter alia*, the Ministry of Justice and the Attorney General's Office.

Encourage SBA's cooperation with civil society

A closer bilateral relationship between the SBA and civil society justice actors should be particularly encouraged and supported as part of the SBA's mandate to deepen interactions with civil society. Further training components in this sense should be considered, including training for journalists on strategic legal issues. In the long run, these efforts should be extended to the general population through advocacy, communication and educational campaigns, so that minorities and vulnerable groups become more aware of their rights, remedies and legal services.

Consolidate and expand knowledge through additional and diversified trainings

Additional follow-up training, consolidating former trainees' skills in the same or adjacent areas (e.g. Training of Trainers utilizing IDLO's expertise from other countries), should be conducted along with the expansion of capacity building initiatives to new areas of knowledge and emerging issues. These can include professional standards and ethics, public and constitutional law principles, private law, land, rape, domestic violence and piracy issues.

The SBA should also exploit opportunities to get involved in the development of post-graduate law curricula or other longer-term trainings, to ensure sustainability and longer term impact.

Broaden the selection of target groups

The base group of trainees should be broadened and diversified. Training should be extended to the Judiciary, the Police and the Prosecution, to ensure synergies and coordination along the justice chain, for the benefit of marginalized and vulnerable groups. To increase country-wide impact, these efforts should also be extended to legal professionals in regions outside Mogadishu.

Encourage further engagement of female professionals

The legal trainings for female professionals should be further extended, to enhance their skills beyond Islamic Law, especially on topics related to international human rights law and standards.

Include project monitoring as a core function

To better track results, the project would benefit from the allocation of a dedicated monitoring professional to track outputs, outcomes and impact.